

REMARKS

The Official Action of 8 March 2007 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claims 1 and 23 have been amended to incorporate the recitations formerly in claims 4 and 24, and the latter claims have been canceled. This removes the basis for the claim objections at paragraph 2 of the Official Action.

Claims 1 and 23 have also been amended to recite that the viscosity after storage in a stoppered vial for 30 days at 70oC is “at least 1.0 to no more than 1.2 times greater” than viscosity of the ink before storage. This removes the basis for the rejection under 35 USC 112, first paragraph, appearing in paragraph 4(a) at the first full paragraph of page 4. As courteously acknowledged by the Examiner, the specification provides support for this recitation at page 17, lines 21-27, when read in conjunction with Table 3 on page 18.

Claim 22 has been amended to recite that the viscosity after storage in a stoppered vial for 30 days at 70oC is “at least 1.0 and no more than 1.1 times greater” than viscosity of the ink before storage. This removes the basis for the rejection under 35 USC 112, first paragraph, appearing in paragraph 4(b) of the Official Action. As courteously acknowledged by the Examiner, the specification provides support for this recitation at page 17, lines 21-27, when read in conjunction with Table 3 on page 18.

Claims 1-24 also stand rejected under 35 USC 112, first paragraph, because the Examiner considers that the specification does not provide support for **any** amount of methylisothiazolone within the claimed range other than the data points described in the table. Applicants respectfully disagree.

For compliance with the written description provisions of 35 USC 112, first paragraph, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See MPEP 2163.02. The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. All that is required is for the specification clearly to allow persons of ordinary skill in the art to recognize that the applicant invented what is claimed. See MPEP 2163.02.

In the present case, Table 3 on page 18 of the specification (when read in consideration of the evaluation criteria for storage stability on page 17) clearly conveys to one of skill in the art that, as of the filing date of the application, Applicant was in possession of **a range** of amounts of methylisothiazolone (i.e., between 10 and 500 ppm) that, in consideration of the octylisothiazolone content and the combined amount of methylisothiazolone and octylisothiazolone as presently claimed, would result in an ink having a final viscosity after storage in a stoppered vial for 30 days at 70oC that is within the claimed limits.

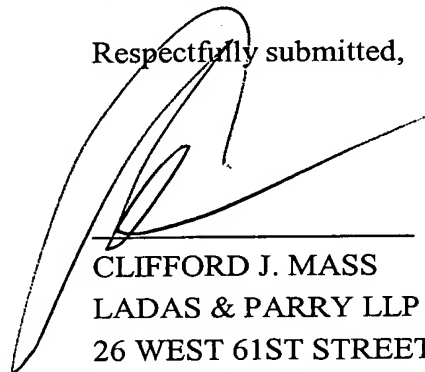
In this connection, Table 3 on page 18 (annotated copy attached) shows that, for the upper and lower endpoints of the recited range- -i.e., a lower endpoint with MIT in an amount of 10 ppm, OIT in an amount of 110 ppm and the combined amounts of MIT and OIT of at least 110 ppm (Test 3 of Table 3, see attached); and an upper endpoint with MIT in an amount

of 500 ppm, OIT in an amount of 800 ppm and the combined amounts of MIT and OIT of no more than 1300 (Test 10 of Table 3, see attached)- -the viscosity grade would be "A" or "B". Table 3 also conveys to one of skill in the art that the advantageous effects of the invention with respect to storage stability fall off only outside the endpoints of the claimed parameters (compare Tests 3-10 with Tests 1-2 and 12-14). Moreover, Table 3 provides sufficient datapoints within the claimed range to allow one of skill in the art to understand that the advantageous effects with respect to storage stability would be the same ("A" or "B") throughout the claimed range. Finally, the paragraph following Table 3 (specification at page 18, lines 5-9) makes clear that Applicant considered the data to show technical effects over a range of values, and not just at the select datapoints being tested.

In these circumstances, Applicant respectfully submits that the specification clearly conveys to one of skill in the art that Applicant had possession of the subject matter now being claimed as of the application filing date and that Applicant did in fact invent what is now being claimed. This being the case, the specification supports the claims under the written description requirement of 35 USC 112, first paragraph, and the rejection should be withdrawn.

In view of the above, Applicant respectfully submits that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'CLIFFORD J. MASS', is written over a horizontal line.

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[Table 3]

	MIT added	OIT added	Antiseptic				Antifungal				Storage			
	amount (ppm)	amount (ppm)	effect				effect				stability			
	Example number		1	2	3	4	1	2	3	4	1	2	3	4
Test 1	5	5	D	D	D	D	D	D	D	D	D	D	D	D
Test 2	5	10	C	C	C	D	B	B	B	B	D	C	C	D
Test 3	10	100	B	B	B	B	A	A	A	A	A	A	A	A
Test 4	10	300	A	A	A	A	A	A	A	A	A	A	A	A
Test 5	100	5	A	A	A	A	C	C	C	D	A	A	A	A
Test 6	100	100	A	A	A	A	A	A	A	A	A	A	A	A
Test 7	300	5	A	A	A	A	C	C	C	C	A	A	A	A
Test 8	300	100	A	A	A	A	A	A	A	A	A	A	A	A
Test 9	500	100	A	A	A	A	A	A	A	A	A	A	A	A
Test 10	500	800	A	A	A	A	A	A	A	A	B	B	B	B
Test 11	800	200	A	A	A	A	A	A	A	A	B	B	B	B
Test 12	800	500	A	A	A	A	A	A	A	A	C	C	C	D
Test 13	1000	500	A	A	A	A	A	A	A	A	D	D	D	D
Test 14	1000	800	A	A	A	A	A	A	A	A	D	D	D	D

Examples: MIT 10 – 800 ppm, OIT 100 – 800 ppm, and $110 \text{ ppm} \leq \text{MIT} + \text{OIT} \leq 1300 \text{ ppm}$

Comparative Examples: Inks outside the above ranges